

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOEL KIM,

Plaintiff,

-against-

NATIONAL BOARD OF MEDICAL  
EXAMINERS,

Defendant.

7:25-CV-3732 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff Joel Kim of New York, New York, who is appearing *pro se*, asserts a claim under Title III of the Americans with Disabilities Act of 1990. He sues the National Board of Medical Examiners (“NBME”).

By order dated May 5, 2025, the court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. The Court directs service on NBME.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the United States Marshals Service (“USMS”) to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the USMS to serve if the plaintiff is authorized to proceed IFP).

---

<sup>1</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date that a summons issues.

To allow Plaintiff to effect service of the complaint on NBME, the Clerk of Court is instructed to fill out a USMS Process Receipt and Return form (“USM-285 forms”) for NBME. The Clerk of Court is further instructed to issue a summons for NBME, and deliver to the USMS all the paperwork necessary for the USMS to effect service of a summons and the complaint on NBME.

If a summons and the complaint are not served on NBME within 90 days after the date that a summons for NBME has issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

### CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs the Clerk of Court to: (1) issue a summons for the National Board of Medical Examiners (“NBME”); (2) complete a USM-285 form with the service address for NBME, and; (3) deliver all documents necessary to effect service of a summons and the complaint on NBME to the USMS.

SO ORDERED.

Dated: May 6, 2025  
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel", is written over a horizontal line.

CATHY SEIBEL  
United States District Judge

**DEFENDANT AND SERVICE ADDRESS**

National Board of Medical Examiners (NBME)  
3750 Market Street  
Philadelphia, Pennsylvania 19104-3102